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Paper No. 9

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**MAR 27 2003**

**OFFICE OF PETITIONS**

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1621 Euclid Avenue, 19th Floor  
Cleveland OH 44115

In re Application of  
Baratuci, Drda, Milano, and Van DePol  
Application No. 10/004,365  
Filed: November 1, 2001  
Attorney Docket No. TRUSP0105USA  
For: RIBBED TUBE CONTINUOUS FLEXIBLE SPACER  
ASSEMBLY

DECISION ACCORDING  
STATUS UNDER  
37 CFR 1.47(a) AND  
DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under 37 CFR 1.47(a), March 25, 2003.

This is also a decision on the petition under 37 CFR 1.137(b), also filed March 25, 2003.

The petition under 37 CFR 1.137(b) is **GRANTED**

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

**Consideration under 37 CFR 1.47(a):**

Petitioner has shown that the non-signing inventor, Theo Van De Pol, has constructively refused to join in the filing of the above-identified application after having been presented with the complete application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

**Consideration under 37 CFR 1.137(b):**

This application became abandoned on September 4, 2002, for failure to timely file an appropriate response to the decision mailed June 3, 2002, dismissing the petition under 37 CFR 1.47(a) filed March 8, 2002. The dismissal decision set a period for reply of two months from its mailing date and advised that extension of time were available. No extension of the time for the reply was obtained; the application became abandoned on September 4, 2002. A Notice of Abandonment was mailed on March 17, 2003.

As the requirements of 37 CFR 1.137(b) have been met, the above-cited application is, hereby, revived.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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SPACER ASSEMBLY

LETTER

Dear Mr. van de Pol:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

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